

Bielat, Martin

From: Wilhelm, Abby Jae <abby.wilhelm@hoganlovells.com>
Sent: Tuesday, April 1, 2025 11:33 AM
To: Anderson, Leigh; Johnson, Carlos; Froliklong, J. Jackson (USAOHN); Racine, Karl; Yonekura, Stephanie; Christine Cole; O'Brien, Katie
Cc: Griffin, Mark; Thomas, Delante; Macias, Hannah; Bielat, Martin; Washington, Nekoia; Kumar, Suraj (CRT); Davis-Rodak, Emma (CRT); Fitzgerald, Patricia M. (USAOHN); Coromelas, Acrivi (CRT); DeCaro, Sara (USAOHN); Fields, Melody (CRT); Evanovich, Michael (USAOHN) [Contractor]
Subject: RE: Request for Data & Methodology – Compliance Determinations

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Hi Dr. Anderson,

Happy to discuss. I am available at your convenience via cell. Or, as noted in my March 27 email, **the Monitoring Team will meet with the City at a mutually beneficial time [this] week should it wish to better understand the Monitoring Team's rational relative to its ratings** at which point we could also discuss this misunderstanding as well.

Separately, we want to provide both Parties an extension on the Semiannual Report feedback. Please submit by April 9 at 5pm ET.

Best,
Abby

From: Anderson, Leigh <LAnderson2@clevelandohio.gov>
Sent: Monday, March 31, 2025 9:46 AM
To: Wilhelm, Abby Jae <abby.wilhelm@hoganlovells.com>; Johnson, Carlos <CJohnson2@clevelandohio.gov>; Froliklong, J. Jackson (USAOHN) <Joseph.Froliklong@usdoj.gov>; Racine, Karl <karl.racine@hoganlovells.com>; Yonekura, Stephanie <stephanie.yonekura@hoganlovells.com>; Christine Cole <christinecole919@gmail.com>; O'Brien, Katie <katie.obrien@hoganlovells.com>
Cc: Griffin, Mark <MGriffin@clevelandohio.gov>; Thomas, Delante <dthomas3@clevelandohio.gov>; Macias, Hannah <HMacias@clevelandohio.gov>; Bielat, Martin <MBielat@clevelandohio.gov>; Washington, Nekoia <NWashington@clevelandohio.gov>; Kumar, Suraj (CRT) <Suraj.Kumar@usdoj.gov>; Davis-Rodak, Emma (CRT) <Emma.Davis-Rodak@usdoj.gov>; Fitzgerald, Patricia M. (USAOHN) <Patricia.Fitzgerald2@usdoj.gov>; Coromelas, Acrivi (CRT) <Acrivi.Coromelas2@usdoj.gov>; DeCaro, Sara (USAOHN) <Sara.DeCaro@usdoj.gov>; Fields, Melody (CRT) <Melody.Fields@usdoj.gov>; Evanovich, Michael (USAOHN) [Contractor] <Michael.Evanovich@usdoj.gov>
Subject: Re: Request for Data & Methodology – Compliance Determinations

[EXTERNAL]
Greetings Abby,

Many thanks for your message - I hope you had a great weekend!

I think there are some slight misunderstandings here, which I believe can be settled quick easily; as I am not understanding the MT's deduction that the City is requesting downgrades.

In Truth and Service,

Leigh R. Anderson, PhD., MPA-IG, CIGA, CIGE
Executive Director
Police Accountability Team
City of Cleveland, Ohio
Desk Phone: 216-664-2951
Email: landerson2@clevelandohio.gov

"In any moment of decision, the best thing you can do is the right thing, the next best thing you can do is the wrong thing, and the worst thing you can do is nothing." -Theodore Roosevelt

From: Wilhelm, Abby Jae <abby.wilhelm@hoganlovells.com>
Sent: Monday, March 31, 2025 9:35:09 AM
To: Johnson, Carlos <CJohnson2@clevelandohio.gov>; Froliklong, J. Jackson (USAOHN) <Joseph.Froliklong@usdoj.gov>; Racine, Karl <karl.racine@hoganlovells.com>; Yonekura, Stephanie <stephanie.yonekura@hoganlovells.com>; Christine Cole <christinecole919@gmail.com>; O'Brien, Katie <katie.obrien@hoganlovells.com>
Cc: Griffin, Mark <MGriffin@clevelandohio.gov>; Thomas, Delante <dthomas3@clevelandohio.gov>; Anderson, Leigh <Landerson2@clevelandohio.gov>; Macias, Hannah <HMacias@clevelandohio.gov>; Bielat, Martin <MBielat@clevelandohio.gov>; Washington, Nekoia <NWashington@clevelandohio.gov>; Kumar, Suraj (CRT) <Suraj.Kumar@usdoj.gov>; Davis-Rodak, Emma (CRT) <Emma.Davis-Rodak@usdoj.gov>; Fitzgerald, Patricia M. (USAOHN) <Patricia.Fitzgerald2@usdoj.gov>; Coromelas, Acrivi (CRT) <Acrivi.Coromelas2@usdoj.gov>; DeCaro, Sara (USAOHN) <Sara.DeCaro@usdoj.gov>; Fields, Melody (CRT) <Melody.Fields@usdoj.gov>; Evanovich, Michael (USAOHN) [Contractor] <Michael.Evanovich@usdoj.gov>
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Good Morning, Carlos: I hope you had a nice weekend.

As to your first point, please re-read my final bullet where I state the Monitoring Team's position on the methodology you requested.

As to your second point, I want to check that I am reading the City's request correctly. I understand that the City believes no ratings can change unless a formal assessment is conducted. Since no formal assessment has been completed over the lifespan of the Consent Decree, this would necessitate every compliance rating be downgraded to "non-compliant" – is this really what the City wants? We continue to disagree with this interpretation of the Consent Decree and are also puzzled that the City is actively requesting this.

Best,
Abby

From: Johnson, Carlos <CJohnson2@clevelandohio.gov>
Sent: Friday, March 28, 2025 11:52 AM
To: Wilhelm, Abby Jae <abby.wilhelm@hoganlovells.com>; Froliklong, J. Jackson (USAOHN) <Joseph.Froliklong@usdoj.gov>; Racine, Karl <karl.racine@hoganlovells.com>; Yonekura, Stephanie <stephanie.yonekura@hoganlovells.com>; Christine Cole <christinecole919@gmail.com>; O'Brien, Katie <katie.obrien@hoganlovells.com>
Cc: Griffin, Mark <MGriffin@clevelandohio.gov>; Thomas, Delante <dthomas3@clevelandohio.gov>; Anderson, Leigh <Landerson2@clevelandohio.gov>; Macias, Hannah <HMacias@clevelandohio.gov>; Bielat, Martin

<MBielat@clevelandohio.gov>; Washington, Nekoiya <NWashington@clevelandohio.gov>; Kumar, Suraj (CRT) <Suraj.Kumar@usdoj.gov>; Davis-Rodak, Emma (CRT) <Emma.Davis-Rodak@usdoj.gov>; Fitzgerald, Patricia M. (USAOHN) <Patricia.Fitzgerald2@usdoj.gov>; Coromelas, Acrivi (CRT) <Acrivi.Coromelas2@usdoj.gov>; DeCaro, Sara (USAOHN) <Sara.DeCaro@usdoj.gov>; Fields, Melody (CRT) <Melody.Fields@usdoj.gov>; Evanovich, Michael (USAOHN) [Contractor] <Michael.Evanovich@usdoj.gov>

Subject: Re: Request for Data & Methodology – Compliance Determinations

[EXTERNAL]

Abby,

Happy Friday, and thanks for the summary of the 3/25 Bi-Weekly meeting. I think your summary missed the meeting portions where: (1) the Monitoring Team stated it would not send the City anything in response to its March 19, 2025, request for methodologies and data; (2) The DOJ and Monitoring Team believe that changes in levels of compliance in the Monitor Reports are not dictated by ¶375(b) and (e) of this agreement. Please revise your meeting summary to state these facts.

The City believes that per ¶351, the Monitoring Team can only change compliance ratings in semi-annual monitor reports by performing a Compliance Audit, Compliance Review, or an Outcome Measurement Assessment — all of which require methodologies pursuant to ¶371 & ¶ 375(c) & (e). The best time to have the conversations you're offering is after the City has reviewed the methodologies and data that support the Monitoring Team's conclusions in the 16th Semiannual Monitor Report. Respectfully, the City continues to maintain its 3/25 request and seeks a deadline of 4/3/25 for the data and methodologies it needs to understand the Compliance Reviews the Monitoring Team conducted in the 16th Semiannual Monitor Report.

Carlos Johnson Jr, Esq.

Assistant Director of Law

Police Accountability Team

City of Cleveland, Ohio

Desk Phone: 216-664-4328

Cell Phone: 216-577-3488

Email: cjohnson2@clevelandohio.gov

From: Wilhelm, Abby Jae <abby.wilhelm@hoganlovells.com>

Sent: Thursday, March 27, 2025 2:10 PM

To: Froliklong, J. Jackson (USAOHN) <Joseph.Froliklong@usdoj.gov>; Johnson, Carlos <CJohnson2@clevelandohio.gov>;

Racine, Karl <karl.racine@hoganlovells.com>; Yonekura, Stephanie <stephanie.yonekura@hoganlovells.com>; Christine Cole <christinecole919@gmail.com>; O'Brien, Katie <katie.obrien@hoganlovells.com>

Cc: Griffin, Mark <MGriffin@clevelandohio.gov>; Thomas, Delante <dthomas3@clevelandohio.gov>; Anderson, Leigh <LAAnderson2@clevelandohio.gov>; Macias, Hannah <HMacias@clevelandohio.gov>; Bielat, Martin <MBielat@clevelandohio.gov>; Washington, Nekoiya <NWashington@clevelandohio.gov>; Kumar, Suraj (CRT) <Suraj.Kumar@usdoj.gov>; Davis-Rodak, Emma (CRT) <Emma.Davis-Rodak@usdoj.gov>; Fitzgerald, Patricia M. (USAOHN) <Patricia.Fitzgerald2@usdoj.gov>; Coromelas, Acrivi (CRT) <Acrivi.Coromelas2@usdoj.gov>; DeCaro, Sara (USAOHN) <Sara.DeCaro@usdoj.gov>; Fields, Melody (CRT) <Melody.Fields@usdoj.gov>; Evanovich, Michael (USAOHN) [Contractor] <Michael.Evanovich@usdoj.gov>

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Dear All:

Writing to briefly follow up and memorialize what was discussed at Tuesday's joint meeting with the Parties.

- The Monitoring Team appreciates the City's work in developing an advocacy document.
- The recent draft Semiannual Report reflects 16 upgrades and 3 downgrades.
- The Monitoring Team welcomes continued dialogue with the City around the Monitoring Team's recommendations for progress towards compliance, especially in the three (3) areas that received a downgrade of which the City is focused on. As a general matter, the Monitoring Team believes those discussions would be best in an ongoing, focused way as opposed to occurring on a one-time basis strictly within the Semiannual reporting period. **Nonetheless, the Monitoring Team will meet with the City at a mutually beneficial time next week should it wish to better understand the Monitoring Team's rational relative to its ratings.**
- The City may also indicate within the draft report where it feels it could benefit from further feedback and explanation as to upgrades, downgrades, or no movement in compliance ratings.
- The Monitoring Team does not view the Semiannual Report and formal compliance assessments in the same vein. When Consent Decree paragraph 375(c) indicates that our semiannual report should include "methodolog[ies] and specific findings...for each compliance review conducted" we view that to be in reference to formal compliance assessments conducted, not related to the semiannual report itself.

Best,
Abby

From: Froliklong, J. Jackson (USAOHN) <Joseph.Froliklong@usdoj.gov>

Sent: Monday, March 24, 2025 2:27 PM

To: Johnson, Carlos <CJohnson2@clevelandohio.gov>; Racine, Karl <karl.racine@hoganlovells.com>; Yonekura, Stephanie <stephanie.yonekura@hoganlovells.com>; Christine Cole <christinecole919@gmail.com>; O'Brien, Katie <katie.obrien@hoganlovells.com>; Wilhelm, Abby Jae <abby.wilhelm@hoganlovells.com>

Cc: Griffin, Mark <MGriffin@clevelandohio.gov>; Thomas, Delante <dthomas3@clevelandohio.gov>; Anderson, Leigh <LAAnderson2@clevelandohio.gov>; Macias, Hannah <HMacias@clevelandohio.gov>; Bielat, Martin <MBielat@clevelandohio.gov>; Washington, Nekoiya <NWashington@clevelandohio.gov>; Kumar, Suraj (CRT) <Suraj.Kumar@usdoj.gov>; Davis-Rodak, Emma (CRT) <Emma.Davis-Rodak@usdoj.gov>; Fitzgerald, Patricia M. (USAOHN) <Patricia.Fitzgerald2@usdoj.gov>; Coromelas, Acrivi (CRT) <Acrivi.Coromelas2@usdoj.gov>; DeCaro, Sara (USAOHN) <Sara.DeCaro@usdoj.gov>; Fields, Melody (CRT) <Melody.Fields@usdoj.gov>; Evanovich, Michael (USAOHN) [Contractor] <Michael.Evanovich@usdoj.gov>

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adding Abby and a few DOJ folks

Thanks for the heads up on this, Carlos.

Abby, DOJ proposes adding this topic to the agenda for tomorrow's call among the Parties. DOJ would like to learn more about the request.

Thanks,

JF

Jackson Froliklong
216-622-3818

From: Johnson, Carlos <CJohnson2@clevelandohio.gov>

Sent: Wednesday, March 19, 2025 4:02 PM

To: karl.racine@hoganlovells.com; Yonekura, Stephanie <stephanie.yonekura@hoganlovells.com>; Christine Cole <christinecole919@gmail.com>; O'Brien, Katie <katie.obrien@hoganlovells.com>

Cc: Griffin, Mark <MGriffin@clevelandohio.gov>; Thomas, Delante <dthomas3@clevelandohio.gov>; Anderson, Leigh <LAnderson2@clevelandohio.gov>; Macias, Hannah <HMacias@clevelandohio.gov>; Bielat, Martin <MBielat@clevelandohio.gov>; Washington, Nekoiya <NWashington@clevelandohio.gov>; Froliklong, J. Jackson (USAOHN) <Joseph.Froliklong@usdoj.gov>; Kumar, Suraj (CRT) <Suraj.Kumar@usdoj.gov>; Davis-Rodak, Emma (CRT) <Emma.Davis-Rodak@usdoj.gov>

Subject: [EXTERNAL] Request for Data & Methodology – Compliance Determinations

Good afternoon Monitoring Team,

Following up on our biweekly discussion, the City formally requests the underlying data and methodology used to determine the compliance changes for ¶¶ 198, 199, and 232 in the draft 16th semiannual report. Additionally, we request the underlying data and methodology used to determine that no compliance adjustments were applicable in this reporting period for ¶¶ 16, 17(b), 18(a), 18(b), 19, 23, 26, 29, 42, 116, 121, 126, 179, 200, 201, 223, 226, 255, 293, 295, 297, 299, 323, and 328, as these paragraphs were included in the City's Advocacy Document provided to the Monitoring Team on January 31, 2025. This request is made pursuant to Settlement Agreement ¶ 375(c). The City would recommend, and be amenable to the prioritization of the data/methodology of the compliance changes for ¶¶ 198, 199, and 232 in the draft 16th semiannual report.

Additionally, we request a meeting to discuss these paragraphs and the rationale behind the compliance level changes, or lack of changes that were advocated for. Given the importance of this information, we ask that the data and methodology be provided as soon as possible in order to potentially meet the April 7th deadline for response. If the Monitoring Team requires additional time to fulfill this request, the City is open to a joint agreement to extend the City's deadline to respond to the report to account for the need in receiving these materials.

Please confirm when we can expect to receive the requested information and your availability for a meeting. Many thanks in advance!

Carlos Johnson Jr, Esq.

Assistant Director of Law

Police Accountability Team

City of Cleveland, Ohio

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